Amendments to the Drawings:

The amended sheet of drawings includes changes to Fig. 3. This sheet, which includes Fig. 3 and Fig. 4, replaces the original sheet including Fig. 3 and Fig. 4. In Fig. 3, labels have been added to the graph axes.

Attachment: Replacement Sheet

                      Annotated Sheet Showing Changes

REMARKS

In the specification, paragraph [017] has been amended to a minor editorial problem. Paragraph [028] has been amended to include a definition of the variables Y and Y0.

Claim 1 has been amended to include the limitations of claims 2 and 3. Claims 4 and 10 have been amended to depend from claim 1. Claims 7 and 17 have been amended to define the variables Y and Y0. Claim 5 has been amended to delete the first occurrence of the term said.

In the Drawings, Fig. 3 has been amended to label the axes of the graph.

The Examiner has objected to the Drawings under 37 CFR 1.121(d). Fig. 3 has been amended to address the Examiner's objection.

The Examiner has objected to the specification at paragraph [017]. This paragraph has been amended as suggested by the Examiner.

The Examiner has further objected to the specification at paragraph [028] and Appendix B, lines 5 to 9 for not defining the variables Y and Y0. The variables Y and Y0 have been defined at paragraph [028]. This paragraph also refers to Appendix B. It is therefore believed that the definition of the variables Y and Y0 in paragraph [028] fully addresses the Examiner's objections.

The Examiner has objected to claims 7 and 17 for not defining the variables Y and Y0. Claims 7 and 17 have been amended to define the variables Y and Y0.

The Examiner has objected to claim 5 for a minor typographical error. Claim 5 has been amended to delete the term "said" as suggested by the Examiner.

The Examiner has rejected claims 1-7, 10-11, 14-17, 20, 23 and 26 under 35 U.S.C. §102(b) as being anticipated by UK patent GB2348350 to Popovic et al. Applicants respectfully traverse this rejection and submit the following arguments for consideration.

Referring first to claim 1, this claim has been amended to include the recitation "wherein the attribute of said transmitted signal is the power level thereof and the attribute of the received echo signal is the noise level thereof", as claimed in canceled claim 3. In rejecting claim 3, the Examiner asserts that Popovic et al. teach the method "wherein the attribute of the received echo signal (i.e. signal received by the telephone device 14) is the noise level thereof". In asserting that these features are taught, the Examiner relies on page 5, line 30 to page 6, line 1 and page 12, lines 10 to 11. These portions of the cited reference, however, teach only that the "echo suppression algorithm performs a power level calculation 60 to determine the power level of signals received by the telephone device 14 to be broadcast by the handset speaker 20 and uses

the determined power level to generate masks". Thus, the cited reference teaches that the signals received from the communication path are masked as a function of the power level of monitored signals.

In contrast with the present invention, there is absolutely no teaching or suggestion of generating a leaky mask based on the power level of the transmitted signal and the noise level of a received echo signal (emphasis added). Instead, the cited reference teaches power level determination and the generated masks are a function of the determined power level only. It is clear that amended claim 1 fully distinguishes over the cited reference.

Independent claims 14, 20 and 23 include similar recitations that are not taught or suggested anywhere in the cited reference. Since the remaining claims include at least the limitation of one of the independent claims, these claims are believed to distinguish over the cited reference for at least the same reason that the independent claims distinguish over the cited reference.

The Examiner has rejected claims 8-9, 12-13, 18-19, 21-22, 24-25 and 27-28 35 U.S.C. §103(a), asserting that these claims are unpatentable over Popovic et al. in view of United States Patent No. 5,295,136 to Ashley et al. The applicants respectfully traverse this rejection and submit the following arguments for consideration.

As indicated above, the Popovic et al. reference fails to teach or suggest generating a leaky mask based on the power level of the transmitted signal and the noise level of a received echo signal (emphasis added).

Ashley et al. teach double-talk detection and correction of partial echo canceller adaptive filter vector divergence prior to double-talk detection. Ashley et al., however, fail to teach or suggest generating a leaky mask based on the power level of the transmitted signal and the noise level of a received echo signal. Thus, neither of the cited references teach or suggest the generation of a leaky mask based on the power level of the transmitted signal and the noise level of a received echo signal, recited in independent claim 1. It is therefore submitted that the cited references cannot possibly be combined to render the presently claimed invention as obvious. The remainder of the claims include similar limitations and therefore these claims are also believed to fully distinguish over the cited references. Withdrawal of the Examiner's rejection of these claims is respectfully requested.

It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. MITEP017).

Respectfully submitted,

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